

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MAR 29 2016

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

TROY DWAYNE ALTIZER,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Civil Action No. 7:14CV00432

FINAL JUDGMENT AND ORDER

By: Hon. Glen E. Conrad
Chief United States District Judge

For reasons stated in a Memorandum Opinion filed this day, it is now

ADJUDGED and ORDERED

as follows:

1. Plaintiff's objections to the report and recommendation of the magistrate judge shall be, and hereby are, SUSTAINED;
2. This case shall be, and hereby is, REMANDED to the Commissioner for further development and consideration as outlined in the court's memorandum opinion;
3. Upon remand, should the Commissioner be unable to decide this case in plaintiff's favor on the basis of the existing record, the Commissioner shall conduct a supplemental administrative hearing at which both sides will be allowed to present additional evidence and argument; and
4. The parties are advised that the court considers this remand order to be a "sentence four" remand. See Melkonyan v. Sullivan, 501 U.S.89, 111 S. Ct. 2157 (1991); Shalala v. Schaefer, 509 U.S. 292, 113 S. Ct. 2625 (1993). Thus, this order of remand is a final order. Id. If the Commissioner should again deny plaintiff's claim for supplemental security income benefits, and should plaintiff again choose to seek judicial review, it will be necessary for plaintiff to initiate a new civil action within sixty (60) days from the date of the Commissioner's final decision on remand. See 42 U.S.C. § 405(g).

The Clerk is directed to send certified copies of this Judgment and Order to all counsel of record.

ENTER this 29th of March, 2016.


Chief United States District Judge